

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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2019 SEP 18 PM 2:02

UNITED STATES OF AMERICA

INDICTMENT

v.

Case No.

19 CR

PETER OPPEHEER
CLERK U.S. DIST. CO.
WD OF WI WMC

DIORIAN SMITH,

18 U.S.C. § 2251(a)

18 U.S.C. § 2253

Defendant.

THE GRAND JURY CHARGES:

COUNT 1

Between in or about November 2017, and in or about November 2018, exact date unknown, in the Western District of Wisconsin, the defendant,

DIORIAN SMITH,

knowingly and intentionally used a minor, Minor A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate and foreign commerce. Specifically, SMITH used a Samsung Galaxy J3 cellular phone to produce a visual depiction, a video with file name "20180817_170506.mp4," of Minor A engaged in sexually explicit conduct.

(In violation of Title 18, United States Code, Section 2251(a).)

COUNT 2

Between in or about November 2017, and in or about November 2018, exact date unknown, in the Western District of Wisconsin, the defendant,

DIORIAN SMITH,

knowingly and intentionally used a minor, Minor A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had

materials that had previously been transported in interstate and foreign commerce. Specifically, SMITH used a Samsung Galaxy J3 cellular phone to produce a visual depiction, a video with file name "20180703_190329.mp4," of Minor A engaged in sexually explicit conduct.

(In violation of Title 18, United States Code, Section 2251(a).)

FORFEITURE ALLEGATION

As a result of the offenses charged in Counts 1 and 2 of this indictment, and upon conviction for violating Title 18, United States Code, Sections 2251(a), the defendant,

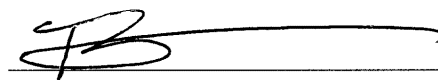
DIORIAN SMITH,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253, his right, title, and interest in the following:

(1) Any and all visual depictions which contain images which are or appear to be child pornography, together with the storage media in which they are contained.


(2) Any and all property used or intended to be used to commit or to promote the commission of the aforementioned offenses, including s Samsung Galaxy J3, MEID No. 089568999201312050.

A TRUE BILL



PRESIDING JUROR

Indictment returned: 9/18/2019


SCOTT C. BLADER
United States Attorney